

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARILYN GOETZKE, Widower, ) CIV S-03-554 GEB/JFM  
Individually and As Personal )  
Representative/Successor in )  
Interest on Behalf of the Estate )  
and heirs of LOREN GOETZKE, )  
deceased; GENE GOETZKE; and )  
GARY GOETZKE, )

Plaintiffs, )

v. )

ORDER

SIKORSKY AIRCRAFT CORPORATION, a )  
Delaware Corporation; GENERAL )  
ELECTRIC COMPANY, a New York )  
Corporation; and ROTAIR INDUSTRIES, )  
INC., a Connecticut Corporation, )

Defendants. )

ADRIAN VILLARUZ, )

Plaintiff, )

v. )

SIKORSKY AIRCRAFT CORPORATION, a )  
Delaware Corporation; GENERAL )  
ELECTRIC COMPANY, a New York )  
Corporation; and ROTAIR INDUSTRIES, )  
INC., a Connecticut Corporation, )

Defendants. )

On April 29, 2005, Defendant General Electric Company filed  
a request for an order shortening time for a hearing on a motion to  
amend the Rule 16 Scheduling Order, in which all parties join. The

1 request to shorten time is denied,<sup>1</sup> but as will be explained below,  
 2 the motion is decided in part and the remainder of it will probably be  
 3 rendered moot by an order which will most likely issue after the  
 4 status conference scheduled below.

5 The motion argues in a conclusory fashion that the parties  
 6 have been diligent in their litigation but nevertheless need two  
 7 modifications to the Scheduling Order. Further, one of the attorneys  
 8 declares these modifications are also needed because he is about to  
 9 undergo surgery, which will interfere with his ability to personally  
 10 participate in discovery.

11 The parties then propose July 1, 2005, as the new "discovery  
 12 completion" date and July 25, 2005, as the new "last day to hear  
 13 motions." The workability of these proposals has been considered,  
 14 even though the issue of whether the motion meets the applicable  
 15 standard governing such motions has not yet been decided. What the  
 16 parties propose as the last law and motion hearing date is unworkable,  
 17 and indicates that the parties are unaware of why the Judge usually

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 19 <sup>1</sup> This is the fifth request for an order shortening time I have  
 received within the last nine days.

20 [A]pplications [for orders shortening time]  
 21 contravene the structure and spirit of the Federal  
 22 Rules of Civil Procedure and the Local Rules of  
 this court. Both contemplate that noticed motions  
 should be the rule and not the exception. . . .  
 23 [Order shortening time]applications throw the  
 24 system out of whack. They impose an unnecessary  
 administrative burden on the court . . . [by]  
 25 demand[ing] priority consideration. . . . In  
 effect, they put the applicant "ahead of the  
 26 pack," [often] without cause or justification.

27 In re Intermagnetics America, Inc., 101 B.R. 191, 193 (Bankr. C.D.  
 28 Cal. 1989).

1 schedules the last law and motion hearing date at least eight weeks  
2 before the final pretrial conference.<sup>2</sup> This eight week period is  
3 usually prescribed so that the Judge will have sufficient time to  
4 issue a ruling on a motion noticed for hearing on the last law and  
5 motion date; most parties desire receiving such rulings in advance of  
6 when they meet and confer on the joint pretrial statement which is  
7 required to be filed at least seven days before the final pretrial  
8 conference. The parties' proposal of about four weeks between those  
9 dates is rejected and that portion of the motion is denied.

10 But the parties are given an opportunity to propose a  
11 workable schedule, which modifies the Scheduling Order, in a filing on  
12 or before May 10, 2005. A status hearing is scheduled in this action  
13 on May 16, 2005, at 8:30 a.m.

14 IT IS SO ORDERED.

15 Dated: May 3, 2005

16  
17 /s/ Garland E. Burrell, Jr.  
18 GARLAND E. BURRELL, JR.  
19 United States District Judge  
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27 <sup>2</sup> See Order Setting Status (Pretrial Scheduling) Conference  
28 filed March 18, 2003, at 3 n.4 ("Judge Burrell's typical pretrial  
scheduling procedures require . . . that law and motion is cut off 60  
days before the final pretrial conference. . . .")